

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

FILED

MAR 07 2014

Clerk, U.S. District Court
District Of Montana
Missoula

ROBERT KITTSON,

Petitioner,

vs.

RICK DEDE; ATTORNEY GENERAL
OF THE STATE OF MONTANA,

Respondents.

CV 13-99-GF-DWM-RKS

ORDER

Petitioner Robert Kittson is a state prisoner proceeding pro se. This matter comes before the Court on Kittson's writ of habeas corpus under 28 U.S.C. § 2254. Magistrate Judge Keith Strong recommends denying the petition. (Doc. 7.)

Kittson is entitled to *de novo* review of the specified findings or recommendations to which he objects. 28 U.S.C. § 636(b)(1). The Court reviews the Findings and Recommendations not specifically objected to for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d

422, 427 (9th Cir. 2000). Kittson did not file any objections and the Court finds no clear error in Judge Strong's analysis or conclusion.

Accordingly, IT IS ORDERED that the Findings and Recommendation (Doc. 7) are ADOPTED IN FULL. Kittson's petition for writ of habeas corpus (Doc. 1) is DENIED.

IT IS FURTHER ORDERED that the Clerk of Court is directed to enter by separate document a judgment in favor of Respondents and against Petitioner.

IT IS FURTHER ORDERED that a certificate of appealability is DENIED.

Dated this 7th day of March, 2014.

A handwritten signature in black ink, appearing to read 'Donald W. Molloy', written over a horizontal line.

Donald W. Molloy, District Judge
United States District Court